

Chapter 20

Enforcement - Violations and Penalties

23-20-1 Enforcement authority of conservation officers -- Seizure and disposition of property.

- (1) Conservation officers of the division shall enforce the provisions of this title with the same authority and following the same procedures as other law enforcement officers.
- (2)
 - (a) Conservation officers shall seize any protected wildlife illegally taken or held.
 - (b)
 - (i) Upon determination of a defendant's guilt by the court, the protected wildlife shall be confiscated by the court and sold or otherwise disposed of by the division.
 - (ii) Proceeds of the sales shall be deposited in the Wildlife Resources Account.
 - (iii) Migratory wildfowl may not be sold, but shall be given to a charitable institution or used for other charitable purposes.
- (3)
 - (a) Conservation officers may seize and impound a vehicle used for the unlawful taking or possessing of protected wildlife for any of the following purposes:
 - (i) to provide for the safekeeping of the vehicle, if the owner or operator is arrested;
 - (ii) to search the vehicle as provided in Subsection (2)(a) or as provided by a search warrant; or
 - (iii) to inspect the vehicle for evidence that protected wildlife was unlawfully taken or possessed.
 - (b) The division shall store any seized vehicle in a public or private garage, state impound lot, or other secured storage facility.
- (4) A seized vehicle shall be released to the owner no later than 30 days after the date the vehicle is seized, unless the vehicle was used for the unlawful taking or possessing of wildlife by a person who is charged with committing a felony under this title.
- (5)
 - (a) The owner of a seized vehicle is liable for the payment of any impound fee if the owner used the vehicle for the unlawful taking or possessing of wildlife and is found by a court to be guilty of a violation of this title.
 - (b) The owner of a seized vehicle is not liable for the payment of any impound fee or, if the fees have been paid, is entitled to reimbursement of the fees paid, if:
 - (i) no charges are filed or all charges are dropped which involve the use of the vehicle for the unlawful taking or possessing of wildlife;
 - (ii) the person charged with using the vehicle for the unlawful taking or possessing of wildlife is found by a court to be not guilty; or
 - (iii) the owner did not consent to a use of the vehicle which violates this chapter.

Amended by Chapter 394, 2013 General Session

23-20-1.5 Powers of law enforcement section -- Employees.

- (1) The chief and assistant chief of the law enforcement section, enforcement agents, and conservation officers of the law enforcement section within the Division of Wildlife Resources are vested with the powers of law enforcement officers throughout all of the counties of the state with exception of the power to serve civil process and:
 - (a) may serve criminal process, arrest, and prosecute violators of any law of this state; and

- (b) shall have the same right as other law enforcement officers to require aid in executing their duties.
- (2) The powers and duties conferred by this section upon employees of the law enforcement section of the Division of Wildlife Resources shall be supplementary to and in no way a limitation on the powers and duties of other law enforcement officers in the state.

Amended by Chapter 282, 1998 General Session

23-20-2 Special deputies -- Appointment -- Duties.

The director of the Division of Wildlife Resources is authorized to appoint persons, on a temporary basis, as special deputies. These special deputies shall have the authority to enforce provisions of this code and all rules and regulations promulgated under this code.

Enacted by Chapter 46, 1971 General Session

23-20-3 Taking, transporting, selling, or purchasing protected wildlife illegal except as authorized -- Penalty.

- (1) Except as provided in this title or a rule, proclamation, or order of the Wildlife Board, a person may not:
 - (a) take protected wildlife or its parts;
 - (b) collect, import, possess, transport, propagate, store, donate, transfer, or export protected wildlife or its parts;
 - (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or its parts without having previously procured the necessary licenses, permits, tags, stamps, certificates of registration, authorizations, and receipts required in this title or a rule, proclamation, or order of the Wildlife Board;
 - (d) take protected wildlife with any weapon, ammunition, implement, tool, device, or any part of any of these not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
 - (e) possess while in pursuit of protected wildlife any weapon, ammunition, implement, tool, device, or any part of any of these not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
 - (f) take protected wildlife using any method, means, process, or practice not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
 - (g) take protected wildlife outside the season dates, location boundaries, and daily time frames established in rule, proclamation, or order of the Wildlife Board;
 - (h) take protected wildlife in excess of the bag and possession limits established in rule, proclamation, or order of the Wildlife Board;
 - (i) take protected wildlife in an area closed to hunting, trapping, or fishing by rule, proclamation, or order of the Wildlife Board, or by executive order of the division director pursuant to Subsection 23-14-8(4);
 - (j) practice falconry or capture, possess, or use birds in falconry;
 - (k) take any wildlife from an airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles;
 - (l) hold in captivity at any time any live protected wildlife;
 - (m) use or permit a dog or other domestic or trained animal to take protected wildlife;
 - (n) remove, damage, or destroy an occupied nest of protected wildlife;
 - (o) release captured or captive wildlife into the wild;

- (p) use spotlighting to take protected wildlife;
 - (q) employ or use a means of concealment or camouflage while taking protected wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
 - (r) possess or use bait or other attractant to take protected wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
 - (s) use any decoy or recorded or electronically amplified call which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board to take protected wildlife;
 - (t) commercially harvest protected wildlife, including brine shrimp and brine shrimp eggs;
 - (u) utilize protected wildlife for commercial purposes or financial gain;
 - (v) enter, establish, or hold a contest or tournament involving the taking of protected wildlife;
 - (w) operate or participate in a commercial hunting area as described in Section 23-17-6; or
 - (x) operate or participate in a cooperative wildlife management unit as defined in Section 23-23-2.
- (2) Possession of protected wildlife without a valid license, permit, tag, certificate of registration, bill of sale, or invoice is prima facie evidence that the protected wildlife was illegally taken and is illegally held in possession.
- (3) A person is guilty of a class B misdemeanor if the person:
- (a) violates any provision of Subsection (1); and
 - (b) does so with criminal negligence as defined in Subsection 76-2-103(4).

Amended by Chapter 347, 2009 General Session

23-20-3.5 Taking protected wildlife while trespassing -- Penalty.

- (1) A person may not take or permit his dog to take, while in violation of Subsection 23-20-14(2):
- (a) protected wildlife or their parts;
 - (b) an occupied nest of protected wildlife; or
 - (c) an egg of protected wildlife.
- (2) A person is guilty of a class B misdemeanor if he or she violates any provision of Subsection (1).

Enacted by Chapter 5, 2000 General Session

23-20-4 Wanton destruction of protected wildlife -- Penalties.

- (1) A person is guilty of wanton destruction of protected wildlife if that person:
- (a) commits an act in violation of Section 23-13-4, 23-13-5, 23-13-13, 23-15-6 through 23-15-9, 23-16-5, or Subsection 23-20-3(1);
 - (b) captures, injures, or destroys protected wildlife; and
 - (c)
 - (i) does so with intentional, knowing, or reckless conduct as defined in Section 76-2-103;
 - (ii) intentionally abandons protected wildlife or a carcass;
 - (iii) commits the offense at night with the use of a weapon;
 - (iv) is under a court or division revocation of a license, tag, permit, or certificate of registration;or
 - (v) acts for pecuniary gain.
- (2) Subsection (1) does not apply to actions taken in accordance with:
- (a) Title 4, Chapter 14, Utah Pesticide Control Act;
 - (b) Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or
 - (c) Section 23-16-3.1.

- (3) Wanton destruction of wildlife is punishable:
 - (a) as a third degree felony if:
 - (i) the aggregate value of the protected wildlife determined by the values in Subsection (4) is more than \$500; or
 - (ii) a trophy animal was captured, injured, or destroyed;
 - (b) as a class A misdemeanor if the aggregate value of the protected wildlife, determined by the values established in Subsection (4) is more than \$250, but does not exceed \$500; and
 - (c) as a class B misdemeanor if the aggregate value of the protected wildlife determined by the values established in Subsection (4) is \$250 or less.
- (4) Regardless of the restitution amounts imposed under Subsection 23-20-4.5(2), the following values are assigned to protected wildlife for the purpose of determining the offense for wanton destruction of wildlife:
 - (a) \$1,000 per animal for:
 - (i) bison;
 - (ii) bighorn sheep;
 - (iii) rocky mountain goat;
 - (iv) moose;
 - (v) bear;
 - (vi) peregrine falcon;
 - (vii) bald eagle; or
 - (viii) endangered species;
 - (b) \$750 per animal for:
 - (i) elk; or
 - (ii) threatened species;
 - (c) \$500 per animal for:
 - (i) cougar;
 - (ii) golden eagle;
 - (iii) river otter; or
 - (iv) gila monster;
 - (d) \$400 per animal for:
 - (i) pronghorn antelope; or
 - (ii) deer;
 - (e) \$350 per animal for bobcat;
 - (f) \$100 per animal for:
 - (i) swan;
 - (ii) sandhill crane;
 - (iii) turkey;
 - (iv) pelican;
 - (v) loon;
 - (vi) egrets;
 - (vii) herons;
 - (viii) raptors, except those that are threatened or endangered;
 - (ix) Utah milk snake; or
 - (x) Utah mountain king snake;
 - (g) \$35 per animal for furbearers, except:
 - (i) bobcat;
 - (ii) river otter; and
 - (iii) threatened or endangered species;

- (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye, largemouth bass, smallmouth bass, and wiper;
 - (i) \$15 per animal for game birds, except:
 - (i) turkey;
 - (ii) swan; and
 - (iii) sandhill crane;
 - (j) \$10 per animal for game fish not listed in Subsection (4)(h);
 - (k) \$8 per pound dry weight of processed brine shrimp including eggs; and
 - (l) \$5 per animal for protected wildlife not listed.
- (5) For purposes of sentencing for a wildlife violation, a person who has been convicted of a third degree felony under Subsection (3)(a) is not subject to the mandatory sentencing requirements prescribed in Subsection 76-3-203.8(4).
- (6) As part of a sentence imposed, the court shall impose a sentence of incarceration of not less than 20 consecutive days for a person convicted of a third degree felony under Subsection (3)(a)(ii) who captured, injured, or destroyed a trophy animal for pecuniary gain.
- (7) If a person has already been convicted of a third degree felony under Subsection (3)(a)(ii) once, each separate additional offense under Subsection (3)(a)(ii) is punishable by, as part of a sentence imposed, a sentence of incarceration of not less than 20 consecutive days.
- (8) The court may not sentence a person subject to Subsection (6) or (7) to less than 20 consecutive days of incarceration or suspend the imposition of the sentence unless the court finds mitigating circumstances justifying lesser punishment and makes that finding a part of the court record.

Amended by Chapter 250, 2009 General Session

**23-20-4.5 Illegal taking, possession, or wanton destruction of protected wildlife --
Restitution -- Reimbursable damages -- Assessment by magistrates -- Disposition of money.**

- (1) When a person is adjudged guilty of illegal taking, illegal possession, or wanton destruction of protected wildlife, other than a trophy animal, the court may order the defendant to pay restitution:
- (a) as set forth in Subsection (2); or
 - (b) in a greater or lesser amount than the amount established in Subsection (2).
- (2) Suggested minimum restitution values for protected wildlife are as follows:
- (a) \$1,000 per animal for:
 - (i) bison;
 - (ii) bighorn sheep;
 - (iii) rocky mountain goat;
 - (iv) moose;
 - (v) bear;
 - (vi) peregrine falcon;
 - (vii) bald eagle; or
 - (viii) endangered species;
 - (b) \$750 per animal for:
 - (i) elk; or
 - (ii) threatened species;
 - (c) \$500 per animal for:
 - (i) golden eagle;
 - (ii) river otter; or

- (iii) gila monster;
 - (d) \$400 per animal for:
 - (i) pronghorn antelope; or
 - (ii) deer;
 - (e) \$350 per animal for:
 - (i) cougar; or
 - (ii) bobcat;
 - (f) \$100 per animal for:
 - (i) swan;
 - (ii) sandhill crane;
 - (iii) turkey;
 - (iv) pelican;
 - (v) loon;
 - (vi) egrets;
 - (vii) herons;
 - (viii) raptors, except those that are threatened or endangered;
 - (ix) Utah milk snake; or
 - (x) Utah mountain king snake;
 - (g) \$35 per animal for furbearers, except:
 - (i) bobcat;
 - (ii) river otter; and
 - (iii) threatened or endangered species;
 - (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye, largemouth bass, smallmouth bass, and wiper;
 - (i) \$15 per animal for game birds, except:
 - (i) turkey;
 - (ii) swan; and
 - (iii) sandhill crane;
 - (j) \$10 per animal for game fish not listed in Subsection (2)(h);
 - (k) \$8 per pound dry weight of processed brine shrimp including eggs; and
 - (l) \$5 per animal for protected wildlife not listed.
- (3) If the court finds that restitution is inappropriate or if the value imposed is less than the suggested minimum value as provided in Subsection (2), the court shall make the reasons for the decision part of the court record.
- (4)
- (a) The court shall order a person convicted of a third degree felony under Subsection 23-20-4(3) (a)(ii) to pay restitution in accordance with Subsection (4)(b).
 - (b) The minimum restitution value for a trophy animal is as follows:
 - (i) \$30,000 per animal for bighorn, desert, or rocky mountain sheep;
 - (ii) \$8,000 per animal for deer;
 - (iii) \$8,000 per animal for elk;
 - (iv) \$6,000 per animal for moose or mountain goat;
 - (v) \$6,000 per animal for bison; and
 - (vi) \$2,000 per animal for pronghorn antelope.
- (5) Restitution paid under Subsection (4) shall be remitted to the division and deposited in the Wildlife Resources Account.
- (6) Restitution money shall be used by the division for activities and programs to help stop poaching, including:

- (a) educational programs on wildlife crime prevention;
 - (b) acquisition and development of wildlife crime detection equipment;
 - (c) operation and maintenance of anti-poaching projects; and
 - (d) wildlife law enforcement training.
- (7) If restitution is required it shall be in addition to:
- (a) a fine or penalty imposed for a violation of any provision of this title; and
 - (b) a remedial action taken to revoke or suspend a person's license, permit, tag, or certificate of registration.
- (8) A judgment imposed under this section constitutes a lien when recorded in the judgment docket and shall have the same effect and is subject to the same rules as a judgment for money in a civil action.

Amended by Chapter 250, 2009 General Session

23-20-4.7 Habitual wanton destruction of protected wildlife -- Third degree felony.

- (1) A person is guilty of habitual wanton destruction of protected wildlife if the person:
- (a) takes a big game animal in violation of Section 23-20-4; and
 - (b) within seven years of the day on which the violation described in Subsection (1)(a) occurs, has twice been convicted of taking a big game animal in violation of Section 23-20-4.
- (2) "Convicted," for purposes of this section, includes a guilty adjudication, guilty plea, no contest plea, and guilty or no contest plea entered in a plea in abeyance agreement under Title 77, Chapter 2a, Pleas in Abeyance.
- (3) Habitual wanton destruction of protected wildlife is a third degree felony.

Enacted by Chapter 52, 2010 General Session

23-20-8 Waste of wildlife unlawful.

Except as otherwise provided in this title, or by rule made by the Wildlife Board under this title, or by an order or proclamation issued in accordance with a rule made by the Wildlife Board under this title, a person may not waste or permit to be wasted protected wildlife or a part of protected wildlife.

Amended by Chapter 282, 2013 General Session

23-20-9 Donating protected wildlife.

- (1) A person may only donate protected wildlife or their parts to another person at:
- (a) the residence of the donor;
 - (b) the residence of the person receiving protected wildlife or their parts;
 - (c) a meat locker;
 - (d) a storage plant;
 - (e) a meat processing facility; or
 - (f) a location authorized by the Wildlife Board in rule, proclamation, or order.
- (2) A written statement of donation shall be kept with the protected wildlife or parts showing:
- (a) the number and species of protected wildlife or parts donated;
 - (b) the date of donation;
 - (c) the license or permit number of the donor; and
 - (d) the signature of the donor.

- (3) Notwithstanding Subsections (1) and (2), a person may donate the hide of a big game animal to another person or organization at any place without a donation slip.

Amended by Chapter 297, 2011 General Session

23-20-10 Butcher, locker or storage plant to require proper tag or donation slip.

It is unlawful for any butcher or owner or employee of a locker plant or storage plant to receive for processing or storage the carcass of any protected wildlife which by law or regulation is required to be tagged, unless the carcass has attached to it the required tag or proper donation slip.

Enacted by Chapter 46, 1971 General Session

23-20-12 Airplanes or terrestrial or aquatic vehicles -- Use in taking wildlife unlawful -- Exceptions.

- (1) It is unlawful for any person to take any wildlife from an airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles, except as provided by this code or in the rules and regulations of the Wildlife Board.
- (2) Notwithstanding Subsection (1), an individual validly licensed to hunt may be authorized to hunt from a vehicle under terms and conditions specified by the Wildlife Board if the individual has:
- (a) paraplegia; or
 - (b) a disability that permanently confines the individual to a wheelchair or the use of crutches.

Amended by Chapter 366, 2011 General Session

23-20-13 Signs or equipment -- Damage or destruction unlawful.

A person may not:

- (1) shoot at, shoot, deface, damage, remove, or destroy any division signs or placards located in any part of this state; or
- (2) damage, destroy, remove, or cause to be damaged, destroyed, or removed any equipment or devices owned, controlled, or operated by the Division of Wildlife Resources.

Amended by Chapter 23, 1995 General Session

Amended by Chapter 211, 1995 General Session

23-20-14 Definitions -- Posted property -- Hunting by permission -- Entry on private land while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable to officers.

- (1) As used in this section:
- (a) "Cultivated land" means land that is readily identifiable as:
 - (i) land whose soil is loosened or broken up for the raising of crops;
 - (ii) land used for the raising of crops; or
 - (iii) pasturage which is artificially irrigated.
 - (b) "Division" means the Division of Wildlife Resources.
 - (c) "Permission" means written authorization from the owner or person in charge to enter upon private land that is either cultivated or properly posted, and shall include:
 - (i) the signature of the owner or person in charge;
 - (ii) the name of the person being given permission;

- (iii) the appropriate dates; and
- (iv) a general description of the property.
- (d) "Properly posted" means that signs prohibiting trespass or bright yellow, bright orange, or fluorescent paint are clearly displayed:
 - (i) at all corners, fishing streams crossing property lines, roads, gates, and rights-of-way entering the land; or
 - (ii) in a manner that would reasonably be expected to be seen by a person in the area.
- (2)
 - (a) While taking wildlife or engaging in wildlife related activities, a person may not:
 - (i) without permission, enter upon privately owned land that is cultivated or properly posted;
 - (ii) enter or remain on privately owned land if the person has notice to not enter or remain on the privately owned land; or
 - (iii) obstruct any entrance or exit to private property.
 - (b) A person has notice to not enter or remain on privately owned land if:
 - (i) the person is directed to not enter or remain on the land by:
 - (A) the owner of the land;
 - (B) the owner's employee; or
 - (C) a person with apparent authority to act for the owner; or
 - (ii) the land is fenced or otherwise enclosed in a manner that a reasonable person would recognize as intended to exclude intruders.
 - (c) The division shall provide "hunting by permission cards" to a landowner upon the landowner's request.
 - (d) A person may not post:
 - (i) private property the person does not own or legally control; or
 - (ii) land that is open to the public as provided by Section 23-21-4.
- (3)
 - (a) A person convicted of violating Subsection (2)(a) may have the person's license, tag, certificate of registration, or permit, relating to the activity engaged in at the time of the violation, revoked by a hearing officer.
 - (b) A hearing officer may construe any subsequent conviction which occurs within a five-year period as a flagrant violation and may prohibit the person from obtaining a new license, tag, certificate of registration, or permit for a period of up to five years.
- (4) Subsection (2)(a) does not apply to peace or conservation officers in the performance of their duties.
- (5)
 - (a) The division shall provide information regarding owners' rights and sportsmen's duties:
 - (i) to anyone holding licenses, certificates of registration, tags, or permits to take wildlife; and
 - (ii) by using the public media and other sources.
 - (b) The restrictions in this section relating to trespassing shall be stated in all hunting and fishing proclamations issued by the Wildlife Board.
- (6) A person who violates Subsection (2)(a) or (d) is guilty of a class B misdemeanor.

Amended by Chapter 268, 2012 General Session

23-20-15 Destruction of signs or inclosure on private land unlawful.

It is unlawful for any person, without the consent of the owner or person in charge of any privately owned land, to tear down, mutilate, or destroy any sign, signboard or other notice which regulates trespassing for purposes of hunting, trapping, or fishing on this land; or to, without such

consent, tear down, deface, or destroy any fence or other inclosure on this privately owned land, or any gate or bars belonging to any such fence or inclosure.

Enacted by Chapter 46, 1971 General Session

23-20-16 Enforcement -- Procedure.

In enforcing the misdemeanor or felony provisions of this code, the peace officer shall follow the procedures and requirements of Title 53, Chapter 13, Peace Officer Classifications.

Amended by Chapter 282, 1998 General Session

23-20-18 Interference with, intimidation or harassment of officer unlawful.

It is unlawful for any person to interfere with, intimidate or harass a conservation officer or special deputy in the lawful performance of his duty.

Amended by Chapter 60, 1975 General Session

23-20-19 Failure to stop at road blocks or checking stations unlawful.

It is unlawful for any person to fail to stop at Division of Wildlife Resources road blocks or checking stations where a stop sign or red or blue light is displayed.

Amended by Chapter 60, 1975 General Session

23-20-20 Children accompanied by adults while hunting with weapon.

(1) As used in this section:

(a) "Accompanied" means at a distance within which visual and verbal communication is maintained for the purposes of advising and assisting.

(b)

(i) "Electronic device" means a mechanism powered by electricity that allows communication between two or more people.

(ii) "Electronic device" includes a mobile telephone or two-way radio.

(c) "Verbal communication" means the conveyance of information through speech that does not involve an electronic device.

(2) A person younger than 14 years old who is hunting with any weapon shall be accompanied by:

(a) the person's parent or legal guardian; or

(b) a responsible person who is at least 21 years old and who is approved by the person's parent or guardian.

(3) A person younger than 16 years old who is hunting big game with any weapon shall be accompanied by:

(a) the person's parent or legal guardian; or

(b) a responsible person who is at least 21 years old and who is approved by the person's parent or guardian.

(4) A person who is at least 14 years old but younger than 16 years old shall be accompanied by a person who is at least 21 years old while hunting wildlife, other than big game, with any weapon.

Amended by Chapter 297, 2011 General Session

23-20-23 Aiding or assisting violation unlawful.

It is unlawful for any person to aid or assist any other person to violate any provisions of this code or any rules or regulations promulgated under it. The penalty for violating this section is the same as for the provision or regulation for which aid or assistance is given.

Enacted by Chapter 46, 1971 General Session

23-20-25 Exhibition of license, permit, tag or device required -- Misdemeanor.

- (1) Any person while engaged in any activity regulated under this title, shall be required upon demand of any conservation officer or any other peace officer to exhibit:
 - (a) the required license, permit, or tag;
 - (b) any device or apparatus in that person's possession used for any activity regulated under this title; or
 - (c) any wildlife in that person's possession.
- (2) Any conservation officer who has a reasonable belief that a person is engaged in any activity regulated under this title may stop and temporarily detain that person in order to demand and inspect:
 - (a) the required license, permit, or tag;
 - (b) any device or apparatus in that person's possession used for any activity regulated under this title; or
 - (c) any wildlife in that person's possession.
- (3) Any person who fails to produce for examination to an officer any of the required licenses, permits, tags, devices or apparatuses used for any activity regulated under this title or any wildlife in that person's possession is guilty of a class B misdemeanor.

Amended by Chapter 208, 1994 General Session

23-20-27 Alteration of license, permit, tag or certificate a misdemeanor.

Any person who at any time alters or changes in any manner, with intent to defraud, any license, permit, tag or certificate of registration issued under provisions of this code or action of the Wildlife Board is guilty of a misdemeanor.

Enacted by Chapter 33, 1973 General Session

23-20-28 Search warrants.

- (1) A search warrant may be issued by a magistrate to search for any property which may constitute evidence of any violation of the provisions of this code, rules, regulations, or proclamations of the Wildlife Board upon an affidavit of any person.
- (2) The search warrant shall be directed to a conservation officer or a peace officer, directing the officer to search for evidence and to bring it before the magistrate.
- (3) A search warrant may not be issued except upon probable cause supported by oath or affirmation, particularly describing the place, person, or thing to be searched for and the person or thing to be seized.
- (4) The warrant shall be served in the daytime, unless there is reason to believe that the service of the search warrant is required immediately because a person may:
 - (a) flee the jurisdiction to avoid prosecution or discovery of a violation noted above;
 - (b) destroy or conceal evidence of the commission of any violation; or
 - (c) injure another person or damage property.

- (5) The search warrant may be served at night if:
- (a) there is reason to believe that a violation may occur at night; or
 - (b) the evidence of the violation may not be available to the officers serving the warrant during the day.

Amended by Chapter 297, 2011 General Session

23-20-29 Interference with hunting prohibited -- Action to recover damages -- Exceptions.

- (1) A person is guilty of a class B misdemeanor who intentionally interferes with the right of a person licensed and legally hunting under Chapter 19, Licenses, Permits, and Tags to take wildlife by driving, harassing, or intentionally disturbing any species of wildlife for the purpose of disrupting a legal hunt, trapping, or predator control.
- (2) Any directly affected person or the state may bring an action to recover civil damages resulting from a violation of Subsection (1) or a restraining order to prevent a potential violation of Subsection (1).
- (3) This section does not apply to incidental interference with a hunt caused by lawful activities including ranching, mining, and recreation.

Amended by Chapter 297, 2011 General Session

23-20-29.5 Interference with hunters or hunting activity -- Prosecution under criminal code.

A person who intentionally interferes with a person who is licensed and taking wildlife legally under the provision of Title 23, Chapter 19, Licenses, Permits, and Tags, or disrupts an activity involving a legal hunt, trapping, falconry, or predator control may be charged with a violation under Section 76-9-102 if that interference or disruption constitutes a violation under Section 76-9-102.

Enacted by Chapter 87, 1994 General Session

23-20-30 Tagging requirements.

- (1) The Wildlife Board may make rules that require the carcass of certain species of protected wildlife to be tagged.
- (2) The carcass of any species of protected wildlife required to be tagged shall be tagged before the carcass is moved from or the hunter leaves the site of kill.
- (3) To tag a carcass, a person shall:
 - (a) completely detach the tag from the license or permit;
 - (b) completely remove the appropriate notches to correspond with:
 - (i) the date the animal was taken; and
 - (ii) the sex of the animal; and
 - (c) attach the tag to the carcass so that the tag remains securely fastened and visible.
- (4) A person may not:
 - (a) remove more than one notch indicating date or sex; or
 - (b) tag more than one carcass using the same tag.

Amended by Chapter 297, 2011 General Session

23-20-31 Requirement to wear hunter orange -- Exceptions.

- (1) As used in this section:
 - (a)

- (i) "Centerfire rifle hunt" means a hunt for which a hunter may use a centerfire rifle, except as provided in Subsection (1)(a)(ii).
- (ii) "Centerfire rifle hunt" does not include:
 - (A) a bighorn sheep hunt;
 - (B) a mountain goat hunt;
 - (C) a bison hunt;
 - (D) a moose hunt;
 - (E) a hunt requiring the hunter to possess a statewide conservation permit; or
 - (F) a hunt requiring the hunter to possess a statewide sportsman permit.
- (b) "Statewide conservation permit" means a permit:
 - (i) issued by the division;
 - (ii) distributed through a nonprofit organization founded for the purpose of promoting wildlife conservation; and
 - (iii) valid:
 - (A) on open hunting units statewide; and
 - (B) for the species of big game and time period designated by the Wildlife Board.
- (c) "Statewide sportsman permit" means a permit:
 - (i) issued by the division through a public draw; and
 - (ii) valid:
 - (A) on open hunting units statewide; and
 - (B) for the species of big game and time period designated by the Wildlife Board.
- (2)
 - (a) A person shall wear a minimum of 400 square inches of hunter orange material while hunting any species of big game, except as provided in Subsection (3).
 - (b) Hunter orange material shall be worn on the head, chest, and back.
- (3) A person is not required to wear the hunter orange material described in Subsection (2):
 - (a) during the following types of hunts, unless a centerfire rifle hunt is in progress in the same area:
 - (i) archery;
 - (ii) muzzle-loader;
 - (iii) mountain goat;
 - (iv) bighorn sheep;
 - (v) bison; or
 - (vi) moose; or
 - (b) as provided by a rule of the Wildlife Board.

Amended by Chapter 297, 2011 General Session